

Summary of Wyden NSA Transparency Amendment

This amendment would insert a new section in the General Provisions section of S. 1197. This section would have four subsections:

- **Subsection a)** Definitions
- **Subsection b)** Would require the Attorney General to release any Foreign Intelligence Surveillance Court ruling that finds that the government has violated the law or the Constitution. Would give the Attorney General the discretion to release the full court opinion, or a redacted version of the opinion, or a summary of the opinion.
- **Subsection c)** Would require the Director of National Intelligence to provide a written submission to Congress within 90 days that addresses the following questions:
 - Whether any intelligence agencies have ever conducted a warrantless search for the communications of individual Americans collected under section 702 of the Foreign Intelligence Surveillance Act.
 - If any agencies have conducted such searches, the number of searches that they have conducted, or an estimate of that number if a precise count is not available.
 - Whether the NSA has ever collected Americans' cell-site location information in bulk, defined here as pertaining to a large number of Americans with no connection to suspicious activity.
 - How much evidence the DNI believes is required to collect Americans' geolocation information for intelligence purposes.
 - When the government first began conducting bulk collection of Americans' records under FISA/Patriot Act authorities.
 - Whether representations made to the Supreme Court in the *Clapper v. Amnesty* case were accurate, and if any representations were inaccurate how they have been corrected.
 - Provide a list of FISC opinions regarding bulk collection or section 702 collection that have identified violations of the law, the Constitution, or previous FISC orders.

This section would also require the DNI to produce a public version of the same document, but would give the DNI full discretion to make redactions.

- **Subsection d)** Would direct the Government Accountability Office to conduct a study of the economic impact of recently disclosed surveillance programs.